

अण्डमान तथा  
Andaman And



निकोबार राजपत्र  
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अण्डमान तथा निकोबार प्रशासन

**ANDAMAN AND NICOBAR ADMINISTRATION**

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**NOTIFICATION**

Port Blair, dated the 8<sup>th</sup> June, 2007.

No.126/07/F.No. 3-375/2003/Labour.—In pursuance of sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Act No. 14 of 1947) read with Notification No. LR-1(59)/55 dated 13<sup>th</sup> December, 1955 of the Govt. of India, Ministry of Labour, the Lieutenant Governor, Andaman and Nicobar Islands hereby orders for publishing the following Award given by the Labour Court, Andaman and Nicobar Islands, Port Blair in the matter of an Industrial Dispute between the Secretary, Municipal Council and the General Secretary, Nagarpalika Karamchari Union, over the alleged termination of the services of Shri G. Venkat Rao and also for alleged illegal deduction of wages, for adjudication vide Administration's Notification No. 3-375/2003-Labour dated 17/02/2004.

**IN THE COURT OF THE PRESIDING OFFICER  
LABOUR COURT INDUSTRIAL TRIBUNAL  
AT PORT BLAIR**

**Presents :** Shri N.K. Ghosal, Presiding Officer, Labour Court

**ID Case No. 04 of 2004**

G. Venkat Rao  
Represented through General Secretary,  
Nagarpalika Karamchari Union ..... First Party.

**Versus**

Secretary,  
Municipal Council,  
Port Blair ..... Second Party.

**AWARD**

This is a reference case to determine the point "Whether the action of the Municipal Council in disengaging Shri G. Venkat Rao, DRM from service is legal and justified ? If not, to what relief, the concerned workman is entitled to ?".

As per application the petitioner namely G. Venkat Rao was appointed as Daily Rated Mazdoor on 10/11/98 and he was entrusted mainly for the work of painting. In the application, it is pleaded that while he was working as Painter under the Junior Engineer he was asked for doing painting works in the residence of the relatives of the Junior Engineer. As he disowned it and that's why he was terminated from his job. In

the application, it is incorporated that he was in continuous service of four years in the department. Subsequently he approached to the authority for an amicable settlement of the dispute but it was not resolved. In the application it is also pleaded that he made an appeal to the Chairperson for his reinstatement, but it was unheeded. In the application, it is depicted that the conciliation method has been turned into futile. Hence, the suit is made.

Despite service of notice upon the opposite party nobody has come to contest this case and that's why feeling disgusted at their conduct the case was heard Ex parte.

The first party is examined in this case who in his evidence has fortified his claim. Evidently the first party was appointed as unskilled Mazdoor in the Municipal Council with effect from 10/11/98. No doubt he was terminated from his service on 09/04/2002. It appears from the order of the Administrative Officer, Municipal Council dated 05<sup>th</sup> March, 2002 that the first party was asked to appear before the Secretary, Municipal Council to give reply of the allegations brought against him. In the examination in chief as tendered by affidavit he has categorically said that he continued his works for more than 240 days in a Calendar year. Moreover he was illegally terminated without following the mandatory provision of the Industrial Dispute Act.

Perused the documents, no serious infirmity or gross inconsistency is detected to discard his prayer. So the pension in whose favour a legitimate right was acquired by elapsation of time deprivation of which is certainly illegal and unjustified. Evidently, the first party was disengaged from his service as he had disobeyed the instruction of the Junior Engineer, who was his superior. No doubt if the second party could have shown the authenticity of which an adverse inference might have taken. But in this case, this is lacking. So the plea taken by the first party that the Junior Engineer was biased to him stands un rebutted. So taking everything into consideration and by giving due weight to the circumstances of his continuous service for more than 240 days, it could be safely said that his disengagement from his service is illegal and unjustified and he should be reinstated.

Hence, the claim succeeds in view of my foregoing observations. Accordingly, it is,

**AWARDED**

that the reference made by the Lt. Governor, is decided in favour of the first party. The order of disengagement of the first party is superseded and eventually first party shall be reinstated in the department with immediate effect. No benefit in its retrospective effect is awarded to the first party. His status shall be deemed as in continuous service as if there had not been any retrenchment.

Let this award be forwarded to the Lt. Governor (Administrator), Andaman & Nicobar Islands for favour his information and due publication in the Official Gazette.

Given under my hand and seal of the court this the 21<sup>st</sup> day of March, 2007.

Typed at my dictation and corrected by me.

Sd/-  
P.O.

Sd/-  
(N.K. Ghosal)  
Presiding Officer,  
Labour Court,  
Andaman & Nicobar Islands.

By order of the Lieutenant Governor, A&N Islands.

Sd/-  
(P.P. Sasidharan Nair)  
Assistant Secretary (Labour)